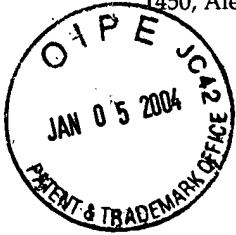


EXPRESS CERTIFICATE OF MAILING

Express Mail Certificate No. EV108179149US

I hereby certify that the *attached* correspondence comprising: 1). Declaration under 37 CFR §1.131 (4 pages) w/attachment (55 pages) is being deposited with the United States Postal Service "Express Mail Post Office to addressee" in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 1/5/04.

  
Kathy Raymond



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Eric C. Honea, et al.	Docket No. :	IL-10507
Serial No. :	09/752,848	Art Unit :	2828
Filed :	12/29/2000	Examiner :	Tuan M. Nguyen
For :	PARASITIC OSCILLATION SUPPRESSION IN SOLID STATE LASERS USING OPTICAL COATINGS		

DECLARATION UNDER 37 CFR §1.131

Declaration of Prior Invention by Raymond J. Beach to Overcome Cited Patent  
(New Declaration - Responsive to Office Action Mailed 10/27/2003)

Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Dear Sir:

I, Raymond J. Beach, hereby declare that:

- (1) I am one of the inventors named in the subject application;
- (2) I am a citizen of the United States and a resident of Livermore, California;
- (3) In an Office Action Mailed October 27, 2003, the claims in the subject application were rejected over the Injeyan et al. Reference, U.S. Patent No. 6,094,297, issued July 25, 2000 from an application filed July 7, 1998, therefore,

July 7, 1998 is the filing date of the application from which the Injeyan et al. Reference matured (Injeyan et al. filing date of July 7, 1998);

(4) I, together with my co-inventor, conceived the invention described and claimed in the subject patent application (hereinafter "The Invention") in this country prior to the Injeyan et al. filing date of July 7, 1998;

(5) I, together with my co-inventor, made The Invention in this country prior to the Injeyan et al. filing date of July 7, 1998;

(6) Attached as ATTACHMENT A is a "RECORD OF INVENTION" which I signed on March 10, 1999 as shown in Section XVI. On page 6;

(7) ATTACHMENT A "RECORD OF INVENTION" in the Documents Describing the Invention Section VII, contains entries "Briefing to Boeing (Formerly Rockwell): Kilowatt-class Yb:YAG slab laser for illuminator applications date Jul 2, 1997," Air Force personnel from Phillips Lab Date 1997," and "Briefing to CRADA partner personnel Date Sep 9, 1997," and these dates are prior to the Injeyan et al. filing date of July 7, 1998;

(8) ATTACHMENT A "RECORD OF INVENTION" in the Conception of the Invention Section XIII, contains an entry for the "Conception Date," the entry is "May 1997" which is prior to the Injeyan et al. filing date of July 7, 1998; the "Conception Place" entry "LLNL" is in this country (USA), Names of Witnesses or other with knowledge of the facts relating to conception, identifies "William F. Krupke" and "Steven A. Payne;"

(9) ATTACHMENT A "RECORD OF INVENTION" in the Invention Use and Disclosure Section XV., shows the Invention was disclosed to Dennis Harris and Petras Avizonis, both of Boeing (Formerly Rockwell) on Jul 2, 1997, which is prior to the Injeyan et al. filing date of July 7, 1998;

(10) I reduced The Invention to practice in this country prior to the Injeyan et al. filing date of July 7, 1998 and that testing, developing, and

patenting of The Invention was continuously worked on during the period from the time when I made the first written description of The Invention and disclosed The Invention to others until December 29, 2000 when the subject application was filed (hereinafter during The Time Period;

(11) Prototypes of The Invention were made and tested prior to the Injevan et al. filing date of July 7, 1998 and The Invention was reduced to practice in this country prior to the Injevan et al. filing date of July 7, 1998, the "RECORD OF INVENTION" (ATTACHMENT A) includes Section XIV. Reduction to Practice of the Invention with entries for Date first model completed of "Oct. 1, 1997" and Date of operation and testing of "Nov. 1, 1997", and Place of Test "LLNL, B166";

(12) Also attached hereto as ATTACHMENTS B, C, and D, are photostatic copies of written descriptions showing that together with my co-inventor I made The Invention in this country prior to the Injevan et al. filing date of July 7, 1998, that I disclosed The Invention to others in this country prior to the Injevan et al. filing date of July 7, 1998, and that my co-inventor and I reduced The Invention to practice in this country prior to the Injevan et al. filing date of July 7, 1998;

(13) ATTACHMENT B is notebook entry dated Sep 1997 which is prior to the Injevan et al. filing date of July 7, 1998;

(14) ATTACHMENT C is notebook entry dated Sep 1997 which is prior to the Injevan et al. filing date of July 7, 1998;

(15) ATTACHMENT D are copies of slides dated July 2, 1997 which is prior to the Injevan et al. filing date of July 7, 1998;

(16) ATTACHMENT E is a copy of a graph dated 9/7/97 which is prior to the Injevan et al. filing date of July 7, 1998;

(17) I continuously worked on testing, developing, and patenting The Invention during the period from the time when I made the first written description of The Invention in 1997 and disclosed The Invention to others until December 29, 2000 when the subject application was filed (hereinafter "The Time Period");

(18) I do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to my application, and I have never abandoned my invention;

(19) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Signature) Raymond J. Beach  
Declarant: Raymond J. Beach

Dated: 23-Dec-03  
Livermore, California